

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MARIO M. MARTINEZ,	)	
on behalf of himself and other	)	
persons similarly situated,	)	
known and unknown,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08 CV 896
	)	
DELKO CONSTRUCTION COMPANY	)	Honorable Judge Darrah
and DEMETRIOS L. KOZONIS,	)	Mag. Judge Nolan
individually	)	
	)	
Defendants.	)	

**NOTICE OF MOTION**

TO: Iain D. Johnston  
Johnston Greene LLC  
542 S. Dearborn St. Suite 1310  
Chicago, IL 60605

PLEASE TAKE NOTICE that on September 10, 2008 at 9:00 am, we shall appear before Judge Darrah, in the Courtroom usually occupied by him in the U.S. District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois, and shall then and there present **Plaintiff's Motion for Leave to File Their First Amended Complaint**, a copy of which is attached hereto and hereby served upon you.

Dated: September 4, 2008

Respectfully submitted,

s/John E. Untereker  
JOHN E. UNTEREKER  
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